

M I N U T E S  
**SANDY CITY COUNCIL MEETING**  
Sandy City Hall - Council Chamber Room #211  
10000 Centennial Parkway  
Sandy, Utah 84070

March 1, 2005

Meeting was commenced at 7:03 p.m.

**PRESENT:**

**Council Members:** Chairman Scott Cowdell, Vice Chairman John Winder, Bryant Anderson, Steve Fairbanks, Linda Martinez Saville, and Dennis Tenney

**Mayor:** Tom Dolan

**Others in Attendance:** CAO Byron Jorgenson; City Attorney Walter Miller; Community Development Director Mike Coulam; Planning Director George Shaw; Public Utilities Director Shane Pace; Public Works Director Rick Smith; Communications Director Ryan Mecham; Council Office Director Phil Glenn; Council Office Manager Naleen Wright

**ABSENT/EXCUSED:**

**Councilman Don Pott (Business)**

**1. OPENING REMARKS/PRAYER/PLEDGE:**

The Prayer was offered by Boy Scout Chris Bates of Troop #875, and the Pledge was led by Mick Breen of Troop #905.

**FLAG CEREMONY - SANDY CITY FIRE DEPARTMENT**

Preceding the Pledge of Allegiance, members of the Sandy City Fire Department, representing seven engine companies, conducted a formal and well received color guard presentation of the flag.

Participants involved in the ceremony included: Battalion Chief Greg Rynders, Captain Todd Hyer, Engineer Chris Dawson and Firefighters Chris Aston, Alan Bartlome and Josh Boucher.

**2. CITIZEN(S) COMMENTS:**

(None)

**COUNCIL ITEMS:**

**4. Report on Tabulation of Protests: Seal Annexation**

**DISCUSSION:** On behalf of **City Recorder Dianne Aubrey**, **City Attorney Walter Miller** presented a memo to the Council (from Dianne Aubrey) outlining the tabulation of protests regarding the proposed Seal Annexation (7.96 acres located on the north side of 8400 South at 525 East). The proposed annexation (without annexation petitions) involves six (6) parcels including the following owners of record:

Larry F. Seal, Premier Land Development, David S. Phillips, Salt Lake County, Christopher/Michelle Hauck and Oscar J. Levine TR.

Two of the property owners, Christopher/Michelle Hauck and Oscar J. Levine TR have filed written protests in opposition to the proposed annexation. The written protests of both parties were filed prior to the hearing on February 22, 2005 (Hauck protest was confirmed orally at that hearing).

Mr. Miller explained that due to the written protests, the City Council lacks authority to annex the Hauck or the Levine parcels. The City Council can exclude those two parcels from the proposed annexation, and can proceed to annex some or all of the remaining portion of the unincorporated island. Ms. Aubrey states in her memo, "*However, the City Council cannot adopt an ordinance annexing these areas unless Salt Lake County has previously adopted a resolution approving the annexation.*" The applicable notices and information have been forwarded to Salt Lake County.

**See Exhibit "A"**

5. **Ontario Drain Tunnel: Water Purchase Interlocal Agreement**  
**Resolution #05-20C - authorizing the execution of an Interlocal Cooperation Agreement between Sandy City Corporation, Metropolitan Water District of Salt Lake & Sandy and Salt Lake City Corporation regarding acquisition of Ontario Drain Tunnel water rights.**

**MOTION:** Steve Fairbanks made the motion to adopt Resolution #05-20C - authorizing the execution of an Interlocal Cooperation Agreement between Sandy City Corporation and Metropolitan Water District of Salt Lake & Sandy and Salt Lake City Corporation regarding acquisition of Ontario Drain Tunnel water rights.

**SECOND:** Dennis Tenney

**VOTE:** Fairbanks- Yes, Tenney- Yes, Pott- Absent  
Saville- Yes, Winder- Yes, Anderson- Yes, Cowdell- Yes

6 in favor, 1 absent

6. **Sandy/Midvale Border Development Project [TOD]**

**DISCUSSION:** During a joint Dinner Meeting, held earlier in the evening, the Sandy City Council, the Midvale City Council and representatives of UTA (Utah Transit Authority), entertained a discussion regarding a possible future plan to develop property located in both Sandy City and in Midvale City, at approximately 7200 South State Street. Utah Transit Authority owns the principal land parcels located within this area.

Planning Director **George Shaw** explained that a TOD (Transit Oriented Development) was reviewed as a possible type of development for the property. Such developments encourage less vehicles and traffic as they are developed under a "walkable community" concept. This type of development incorporates dense housing that creates a small community, which then relies upon the close proximity of mass transit as a major mode of transportation. Adjacent shopping facilities are located within a walkable distance from the housing.

Mr. Shaw explained that such developments need sufficient density to work properly. The Planning Commission can review and approve additional building height. A parking structure would probably be required. Designed correctly, such developments can limit the number of vehicle trips.

**Mayor Tom Dolan** advised the Council that it was his understanding, that UTA was not originally considering a light rail stop/station at this location, because they have another stop/station at 7800 South. Light rail stops located so closely to one another impede the speed and efficiency of light rail commuting. Each additional stop can add several minutes to the time it takes to travel to downtown Salt Lake. UTA is looking for joint planning approval of its property by Sandy and Midvale. Mayor Dolan commented that in order for Sandy to approve such a development, it would depend upon the type of project and who the developer might be. Reportedly, the current interested developer wants to create an all commercial project.

**John Winder** asked, "Mayor, is TRAX supposed to extend into Draper some day?"

**Mayor Dolan** commented, "UTA has to understand the political realities of this. Additional light rails stops will be required in the future."

**Council Office Director Phil Glenn** noted that a recording of the City Council's concerns was not kept during the earlier dinner meeting. He asked the Council to please re-state their concerns for the record.

**Dennis Tenney** stated that he had concerns regarding the proposed height for residential buildings (seven stories). He felt the Council needed to come to a consensus on allowable building heights. He noted that it did not appear to be a realistic hope that a TRAX stop will ever be approved at this location. If not, he felt Sandy needs to help Midvale see and explore other types of development options.

**Linda Martinez Saville** stated that she did not like the first scenario showed by George Shaw. She said she would 'echo' Dennis Tenney's concerns.

**Bryant Anderson** stated that he liked the TOD development designed by consultants and City Staff a couple of years ago. He said, "We should carefully analyze the marketability of housing out in that area. Housing would need to be attractive to home buyers or it will be a disaster." Development will, however, improve this blighted area of State

Street. Mr. Anderson felt more study is required, so we can determine what type of development can be done there successfully.

**John Winder** said he also agreed with Dennis Tenney's comments. He said, "A lot depends on whether this property is developed as a TOD or some other type of development."

**Steve Fairbanks** stated that he was highly opposed to 50 units per acre. He felt there 'was a need to study this development proposal further. Mr. Fairbanks said, "If the property is developed as a TOD, we shouldn't have the tail wagging the dog'. Development should make sense for both communities."

**Scott Cowdell** stated that the proposed density was a big issue. He also liked City Staffs'/Consultants' plan to develop this property designed a couple of years ago. He suggested that this plan be shown to Midvale. He noted that some of Midvale's City Council members indicated that they were not interested in having a light rail station at this location. They just want to develop the property. Mr. Cowdell said, "It appeared that this was a UTA driven plan, not a Sandy or Midvale plan. The two cities should develop the plan." He reported that a UTA representative said that UTA would not be opposed to selling their property. He felt Midvale should be advised that UTA has no plans for a light rail stop at this location.

**MINUTES:**

**7. Approving the February 15, 2005, City Council Meeting Minutes.**

**MOTION:** Dennis Tenney made the motion to adopt the February 15, 2005, City Council Meeting Minutes.

**SECOND:** Linda Martinez Saville

**VOTE:** The Council responded verbally in the affirmative to the motion.

**ALL IN FAVOR**

**8. MAYOR'S REPORT:**

- a. **Mayor Dolan** reported that Sandy City and West Valley City will each be paying half of the cost for a study regarding the proposed Municipal Fire Department Study. Mayor Dolan proposed that Sandy's portion be paid out of the Contingency account. Other cities will pay back their proportionate share to Sandy and West Valley City based upon population. A funds transfer will be brought back for the Council's approval.

**9. CAO'S REPORT:**

- a. **Byron Jorgenson** reported that the infrastructure for a traffic light on Wasatch Boulevard has been started. He also reported that the driving range building on the north side of the Golf Course is now under construction.
- b. **Mr. Schneider's** lawsuit against Sandy, claiming that he had water rights in Little Cottonwood Creek, resulted in a ruling from the judge that the water rights belong to Sandy. Mr. Schneider filed a second lawsuit with a new judge, and that judge also ruled the water was Sandy's. Public Utilities Director Shane Pace will meet with Mr. Schneider to try and further clarify the City's position.

**10. COUNCIL OFFICE DIRECTOR'S REPORT:**

- a. **Phil Glenn** reported that Bill Simmons of DUTCO has scheduled a dinner meeting with the Council and City Officials and our Congressmen on the night of March 14 (during the National League of Cities meetings in Washington, D.C.). Mr. Glenn then presented two alternative draft letters labeled A & B from the Council and Mayor to the Jordan School District. He asked the City Council to review both letters and decide which version they wanted signed. The Council was provided with their weekly Calendar, and copies of the Sandy Chamber's announcements.
- b. **Mr. Glenn** reminded the Council of the farewell open house to be held for Don Pott at the South Towne Mall. He then explained State statute as it pertains to the legal procedure used to fill Mr. Pott's vacancy. Mr. Pott's resignation will probably be effective April 6<sup>th</sup> of this year. The public must be notified of the vacancy

two weeks prior to the date at which a decision would be made to fill that vacancy. The vacancy can be filled either on Mr. Pott's last night, or the week thereafter.

**MOTION:** Dennis Tenney made the motion to appoint Don Pott's replacement on April 5, 2005.  
**SECOND:** Linda Martinez Saville  
**VOTE:** The Council responded verbally in the affirmative.  
**MOTION PASSED**

**Don Pott** noted that he cannot participate in the appointment process.

- c. **Mr. Glenn** advised the Council that a group portrait of the entire Council will be taken with Don Pott before he leaves. The photographer is available either March 22, or April 5<sup>th</sup>. The Council selected March 22<sup>nd</sup>.

11. **OTHER COUNCIL BUSINESS:**

- a. **Bryant Anderson** expressed his appreciation to City Staff for the information regarding development in the gravel pit provided in the recent ***Sandy City Newsletter***. He said he felt it was critical to keep residents informed and educated.

**Mr. Anderson** expressed some concerns regarding what is happening with the development at the gravel pit. He stated that when the Council approved the rezoning ordinance, it was with specific conditions. One of those conditions was the requirement for green space for a park. He felt more negotiations with the developer should be held to increase the size of the park on the north end of the project. He would have liked this park to have been twelve acres, but the property was too expensive, and the City could not afford to purchase the additional acreage.

The park property on the southeast of the overall site has been shrunk down to 2-3 acres, with a dense housing development abutting it. Mr. Anderson expressed his concern that the housing development will take away from the size of the park. If some open space is not left, it will restrict the view across 94<sup>th</sup> South and along the City's 22-1/2 acres. He asked that the Planning Commission be asked, when it is conducting its site plan review process, to take a hard look at leaving that area open.

**Scott Cowdell** stated that he had read all of the past minutes wherein the Council discussed the size of park to be required of the developer. It was his understanding that the Council had wanted to have a 16 acre park. He was quite concerned that the developer was reducing the size of the park to meet his needs.

**John Winder** said it was his recollection that the Council had expressed a desire to have a 20 acre park, but determined that the funding to purchase the additional acreage was not available. That is when we looked at doing something smaller.

**Steve Fairbanks** agreed. He said the Council determined that the City didn't have the money for the size of park we wanted. He stated that he agreed with Bryant Anderson, and he too does not want to see apartments located on the southeast corner.

**Bryant Anderson** disclosed that he had spoken with Greg Rutledge of UPL (Utah Power & Light) to see if it would be possible to relocate the power substation just a little to the west. He felt this would help minimize its obstruction and blight upon the entire site. Mr. Rutledge said it could be done, but it would be very expensive. Mr. Anderson suggested that the City could help with the costs.

**Scott Cowdell** asked, "Mike has the site plan changed?"

**Mike Coulam** responded, "Yes, it keeps changing." He stated that the Planning Commission would be reviewing the subdivision's preliminary site plan and Wal-Mart's and Lowes' site plan and 24-hour use at their next meeting. Mr. Coulam noted that when the park began to encroach on their desired property, Cowboy Partners decided to take another piece of ground. He is not convinced that housing is an option. Mr. Coulam stated that moving the power substation will be very expensive, but in any case, we need a better looking substation than what is there.

**Scott Cowdell** commented that he thought there was a four acre park to be located on the southeast corner.

**Mike Coulam** responded that the southeast park is approaching four acres, however, part of that acreage includes the road.

**Scott Cowdell** asked Mike to talk to the developer about the apparent dwindling size of the parks.

**Mike Coulam** stated that the north park will be around 8 acres with an approximate 3.3 additional acres in the central core of the housing and abutting the 8, along with the 3.5 acres of green space located around the rim for a trail system. The southeast park has approximately 3.8 acres. The developer attempted to downsize this park, but we have told them they can't. He too was concerned with the continual downsizing of the parks, and stated that he will reiterate to the developer that they must meet the conditions of the rezoning ordinance.

**Scott Cowdell** asked Mr. Coulam to talk to the developer concerning what it would cost the City if we could purchase 2-4 more acres to expand the north park's size.

**Mike Coulam** stated that the City might have an opportunity to purchase some of the Schneider property, but he will talk to the developer.

**Byron Jorgenson** commented that Randy Sant will be doing the negotiations with them.

**Bryant Anderson** noted that before Jack Peck left, he said we could move the substation without costing an "arm and a leg". He said his thoughts were that there is a concrete pad there with cement transformers surrounded by poles and wires, and he felt it could be moved 150 feet to the west. This would free-up space for the park, or whatever else is determined to be useful. UPL has indicated, in the past, that they want to add more transformers at this location. Mr. Anderson said UPL needs to construct a nice wall around the power substation.

**John Winder** commented that Steve Fairbanks is the Council's liaison to the Sandy Planning Commission. He suggested that Mr. Fairbanks could relay the City Council's concerns about the development, at the next meeting.

b. **John Winder** noted that 4/14/05 is the 50th year anniversary of the Jordan Middle School. He said an 8:30 a.m. assembly has been scheduled on that date in celebration of this event. Mr. Winder suggested that a resolution be prepared and presented at the assembly on behalf of the City Council and the Mayor.

c. **John Winder** reported that there is a home in his subdivision that is in foreclosure. He said, "It is a dump inside and outside." He asked if Code Enforcement was sent out, would they have any luck in getting the home brought up to code with it being in foreclosure.

**Mike Coulam** stated that if Mr. Winder could get him an address, he would have the City's Building Inspectors go out to inspect the home. Mr. Coulam stated that we have rehabilitation money in the budget that could be used to do what was necessary, or we also have a fund to tear down the structure if we find it to be unsafe. The Board of Health could also be notified.

d. **John Winder** stated that he supported draft letter labeled "B" that is addressed to the Jordan School District.

**Phil Glenn** asked Mayor Dolan if he was comfortable with the language in either letter A or B.

e. **Steve Fairbanks** reported that the Chamber of Commerce wants to modify their contract with the City to allow flyer inserts in the City's billing statements.

**Wally Miller** said, "Everybody thinks they should be the exception." The City is not supposed to be giving funding away. If you feel it is important that we change the contract, it must be done under quid pro quo arrangements (something for something). It is a dangerous area for the City to be funding mailing for license

solicitations.

**Scott Cowdell** noted that this request has been made before, and the Council has never agreed that it should happen.

**Steve Fairbanks** stated that the mailing is beneficial to both the Sandy Chamber and to the City.

**Dennis Tenney** stated that City Attorney Wally Miller has given excellent advice. However, the Sandy Chamber is private but serves a public function. He stated that he would be comfortable with a new contract.

**Chairman Scott Cowdell** asked Wally Miller to explore language to be brought back for the City Council's review.

- f. **Bryant Anderson** advised the Council that JoAnn's Fabrics wants to move out of Sandy, as they want to build or rent a new super store. They are currently looking at a Draper site (the former Anderson Lumber location). According to the person he spoke to, they like to pay no more than \$10 per sq. ft. for rent. They reportedly have looked at the Steinmark location and may look at the empty Fred Meyer building to see if it would work. Mr. Anderson stated it would be a great loss to our City if this store leaves.

**Byron Jorgenson** stated that he will turn this information over to Randy Sant and have him get in touch with these people.

**At approximately 8:10 p.m., Dennis Tenney made a motion to adjourn Council Meeting, motion seconded by Steve Fairbanks.**

**The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.**

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**Scott L. Cowdell**  
**Council Chairman**

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**Naleen Wright**  
**Council Office Manager**